



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION IX

75 Hawthorne Street
San Francisco, CA 94105-3901

NOV 28 2016

Via Email and Certified Mail: **7015 0640 0001 1122 0864**
Return Receipt Requested

David Wright
General Manager
Los Angeles Department of Water & Power
11 North Hope Street
Los Angeles, California 90012-5701

Re: Request for Information Pursuant to Clean Water Act Section 308(a)
EPA Docket No. CWA-308-9-17-008

Dear Mr. Wright:

As you may know, on March 10, 2016 the U.S. Environmental Protection Agency (EPA) conducted a site visit regarding potential Clean Water Act (CWA) violations at the Lower San Fernando Basin (LSFB), located in the southern portion of Los Angeles Department of Water & Power's (LADWP) Van Norman Complex in Granada Hills, California. On April 11, 2016, LADWP provided information in responses to EPA's initial inquiries. This request for information (Information Request) seeks additional information and is being directed to you, as the General Manager of LADWP, pursuant to Section 308(a) of the CWA, 33 U.S.C. § 1318(a), which authorizes EPA to require persons subject to the CWA to furnish information, conduct monitoring, provide entry to the Administrator or authorized representatives, and make reports as may be necessary to carry out the objectives of the CWA.

Please submit the information listed in Attachment A within thirty (30) days of receipt of this letter and include with your response the following certification signed by you, your responsible corporate officer, or duly authorized representative:

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information is, to the best of my knowledge and belief, true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Please submit the response to:

U.S. Environmental Protection Agency, Region 9
Enforcement Division, Water Section II (ENF 3-2)
Attention: Bill Lee
75 Hawthorne Street
San Francisco, California 94105-3901
lee.bill@epa.gov

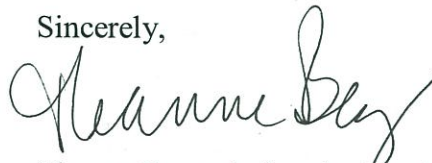
Failure to comply with this Information Request can result in enforcement action for appropriate remedy, including penalties, under Section 309 of the CWA, 33 U.S.C. § 1319. Compliance with this Information Request does not relieve LADWP of its obligation to comply with the CWA or other applicable laws and permits. You may not withhold from EPA any information on the grounds that it is confidential business information. However, EPA has promulgated, under 40 C.F.R. Part 2, Subpart B, regulations to protect confidential business information it receives. A legally supportable claim of business confidentiality may be asserted in the manner specified by 40 C.F.R. § 2.203(b) for all or part of the information requested by EPA. EPA will disclose business information covered by such claim only as authorized by 40 C.F.R. Part 2, Subpart B. If no claim of confidentiality accompanies the information at the time EPA receives it, EPA may make it available to the public without further notice.

This Information Request is not subject to review by the Office of Management and Budget under the Paperwork Reduction Act because it is directed to fewer than ten persons and is therefore not a "collection of information" under 44 U.S.C. § 3502(3). It is also an exempt activity under 44 U.S.C. § 3518(c) and 5 C.F.R. § 1320.4.

If you have questions regarding this Information Request please contact Bill Lee of my staff at (415) 947-4185, or via email at lee.bill@epa.gov, or Marcela von Vacano in our Office of Regional Counsel at (415) 972-3905, or via email at vonvacano.marcela@epa.gov.

Thank you for your cooperation and prompt response to this matter.

Sincerely,



Thanne Berg, Acting Assistant Director
Enforcement Division

Enclosure: Attachment A

cc via email: Melanie Tory, Deputy City Attorney, Los Angeles Department of Water & Power
Mark Sedlacek, Director of Environmental Affairs, Los Angeles Department of Water & Power
Dan Swenson and Tim Jackson, U.S. Army Corps of Engineers, Los Angeles District
Kelly Schmoker, California Department of Fish and Wildlife

ATTACHMENT A

Clean Water Act Section 308(a) Request for Information
EPA Docket No. CWA-308-9-17-008
Los Angeles Department of Water & Power

Under the authority of Section 308(a) of the Clean Water Act, 33 U.S.C. § 1318(a), the United States Environmental Protection Agency, Region 9 (EPA) requires Los Angeles Department of Water & Power (LADWP) to provide to EPA the information described below.

INSTRUCTIONS

1. Separate Response for Separate Question. Provide a separate narrative answer to and segregate responsive documents by each question or its subpart. Precede each answer with the number of the corresponding question or its subpart.
2. Best Information Available. Respond to the best of your ability, even if written documents are not available. Explain any qualified response. If you do not have the responsive information but know the person from whom the information may be obtained, identify the person.
3. Document Submission. Whenever requested to provide documents, provide copies of all responsive documents in your possession, custody, or control. If a responsive document was, but no longer is, in your possession, custody, or control, explain what was done with it. If another person has possession, custody, or control of the document, identify the person. If the document was disposed of, explain when and why it was disposed of and who disposed of it.
4. Use of the Document in Place of Answer. If a document provides the complete answer to a question, you may supply it in place of a written answer by appropriately identifying the document as answering a specific numbered question.
5. Identification of a Person. Whenever requested to identify a person, state:
 - a. as to an individual: the individual's full name, contact information, and last known employer;
 - b. as to a corporation: its full name and contact information; and
 - c. as to a person other than an individual or a corporation: its official name, organizational form, and contact information.
6. Obligation to Correct. If you later discover that any submitted information is incorrect, submit a corrected response as soon as possible.

DEFINITIONS

The following terms shall have the following definitions for this Information Request:

1. "Document" means all written, recorded, computer-generated, or visually or aurally reproduced materials of any kind in any medium in your possession, custody, or control or known by you to exist, including all originals, drafts, and non-identical copies. The term includes, without limitation, all reports, studies, surveys, plans, transcripts, permits, licenses, deeds, maps, drawings, schematics, specifications, instructions, calculations, monitoring data, rental records,

contracts, agreements, bid documents, purchase orders, work orders, invoices, payment records, spreadsheets, communication records, correspondence, notes, memoranda, photographs, and videos.

2. "Earthmoving Activity" means any activity carried out at LSFB using mechanized equipment (including but not limited to bulldozers, dump trucks, loaders, or excavators) after November 2013. This term includes, without limitation, any mechanized land-clearing, land-leveling, grading, grubbing, vegetation removal, excavation, deep-ripping, dredging, filling, channelization, ditching, trenching, pumping, construction, installing or repairing of any structures (such as levees, dams, berms, retention basins, dewatering structures, roads, rip-rap, drains, pumps, irrigation lines, or buildings), plowing, seeding, planting, surface water management practice, and stockpiling, side-casting, spreading, depositing or redepositing of any material or substance within the definition of "pollutant" under CWA Section 502(6), 33 U.S.C § 1362(6).
3. "LSFB" means the Lower San Fernando Basin, located in the southern portion of the Los Angeles Department of Water & Power's Van Norman Complex in Granada Hills, California, at Longitude -118.477794°, Latitude 34.287651° in Los Angeles County, California.
4. "You" means the Los Angeles Department of Water & Power ("LADWP"), and any officers, managers, employees, contractors, consultants, trustees, partners, successors, assigns, and agents working with or on behalf of LADWP.

REQUEST FOR INFORMATION

1. Additional Earthmoving Activities. Your April 11, 2016 response states that earthmoving work at the LSFB began on November 19, 2013 and ended in February 2016. Please explain whether any additional earthmoving work has occurred at the LSFB since February 2016. If so, please provide the following information regarding such additional earthmoving work:
 - a. start and end dates;
 - b. nature and purpose;
 - c. the identity of the persons involved in approving and/or conducting the activity;
 - d. type of mechanized equipment used;
 - e. location and size (acres) of the area covered; and
 - f. type, volume (number of truckloads or cubic yards), and source of fill material used for any filling activity.
2. Description of Activities. Please describe the specific purposes of the following post-November 2013 activities in LSFB, which were listed in your April 11, 2016 response. Provide supporting documentation to the extent possible, including invoices, work plans, logs, and identities of persons involved in approving or conducting activities.
 - a. Deferred Maintenance. Describe how the earthmoving work is part of established ongoing maintenance practices at the LSFB, including schedules, tasks, crews, and training for persons performing fieldwork at the LSFB.
 - b. Dam Safety. Describe how the earthmoving activity is an established industry standard practice to address dam safety. Describe any directives, communications, or reviews from

the California Division of Safety of Dams that support the earthmoving activities as a means of ensuring the integrity of the Lower San Fernando Dam and associated flood control structures.

- c. Vector Control. Describe the process for determining that eliminating standing water was the most effective means for addressing vector control at the LSFB, what other options were considered, and who made this determination.
 - d. Fill Materials. Attachments 3.b and 3.c from your April 11, 2016 response (“Request for General Construction Services, No. UAC22”, dated September 20, 2013) directed field crews to use spoils from the Bull Creek Extension and Realignment Project.
 - i. Please explain whether these spoils were used to fill low-lying areas and channelize flows in the LSFB. If so, describe their volume (number of truckloads or cubic yards), footprint, and area (acres) covered.
 - ii. If other sources of material were used, please describe the source of all materials used as fill during earthmoving activities (including activities described in #1), along with the volume and deposition area of fill materials within the LSFB.
3. Missing Pages. Attachment 3.c of your April 11, 2016 response only includes pages 1 and 10 of the “Standard Estimate Report” for the Bull Creek Extension Realignment Project, Lower San Fernando Detention Basin – Grub & Fill, dated October 31, 2013. Please provide pages 2 through 9.
4. Possible Future Projects at LSFB. For possible future projects in the LSFB, including the three described in your April 11, 2016 response (large stormwater retention/reuse project, UV drinking water treatment system, and corrosion control project), please describe:
- a. their locations and approximate footprints; and
 - b. any status updates and timelines for their implementation.
5. Possible Future Use of LSFB as Large Stormwater Retention/Reuse Project.
- a. Please describe how the work ordered in Attachments 3.b and 3.c relates to the Stormwater Master Plan provided in Attachment 4.b of your April 11, 2016 response (“Van Norman Complex Stormwater Capture Master Plan.” Kleinfelder, January 21, 2012).
 - b. Please provide all documentation that was used to direct field crews to implement the current configuration and finished design grade of the LSFB, such as schematics, construction grading plans, hydrology, geotechnical and engineering studies, surveys, reports and drawings, including but not limited to those showing channel locations and areas that need fill as described in Attachment 3.b of your April 11, 2016 response, “Request for General Construction Services,” Work Order UAC22, dated 9/20/2013.
6. Permit Coverage.
- a. Please describe the process by which you determined that permit coverage was necessary for the Bull Creek Extension Channel Realignment Project. In your description, please note the name and contact information for the person(s) or departments within the LADWP who provide guidance on environmental permitting. Specifically, please provide information on the persons who obtained the following permits:

- i. CWA Section 404 Nationwide Permit 31, Maintenance of Existing Flood Control Structures (SPL-2012-00635-BAH), authorized June 14, 2013 by the U.S. Army Corps of Engineers;
- ii. CWA Section 401 water quality certification (File No. 12-101) issued June 14, 2013 by the Los Angeles Regional Water Quality Control Board (LARWQCB); and
- iii. CWA Section 402 Construction General Permit coverage (WDID 19C364658) issued by the LARWQCB based on your Notice of Intent of September 26, 2012.

- b. Please provide an estimate of your costs for obtaining the CWA permits noted above.
- c. Please describe whether the Van Norman Complex is covered under any CWA Section 402 permits for industrial stormwater or municipal separate storm sewer systems (MS4) and if you are participating in any Watershed Management Programs (WMPs).

7. Environmental Analyses.

- a. Please provide copies of any additional environmental reports or analyses you have located since your April 11, 2016 response.
- b. Please provide topographic surveys of the LSFB conducted before and after the earthmoving activities that took place after November 2013.

8. PCB Remediation. As you may know, EPA Region 9's Land Division is monitoring the remediation of polychlorinated biphenyl (PCB) releases at the Van Norman Complex, including releases that may have contaminated the LSFB. Please describe the following with regard to PCB investigation and remediation efforts at the LSFB:

- a. the knowledge and understanding of ongoing PCB contamination characterization and remediation efforts at the site by the person(s) or department(s) within the LADWP who directed or oversaw earthmoving activities in the LSFB;
- b. identification of all potential sources and paths of transport for PCB contamination in the LSFB;
- c. the chemical characteristics of fill material deposited in the LSFB
- d. any PCB monitoring data collected at the Van Norman Complex and LSFB specifically, including soil sampling data; and
- e. any plans for containing or remediating PCB contamination at the Van Norman Complex and the LSFB specifically.